

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

68-0157 (9-06) - 3091078 - EI

DJODJO K KABASUBABU
Claimant

APPEAL NO: 19A-UI-03382-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/03/19
Claimant: Appellant (5)

Iowa Code § 96.4(3) – Available for work
Iowa Code § 96.4(7) – Reemployment services
Iowa Admin. Code r. 871-24.6 – Profiling for reemployment services
Iowa Admin. Code r. 871-24.2(1)e – Procedures for workers desiring to file a claim for benefits
Iowa Admin. Code r. 871-24.23 (11) – Failure to Report

STATEMENT OF THE CASE:

The claimant, Djodjo K. Kabsubabu, filed an appeal from the April 22, 2019, (reference 11) unemployment insurance decision that denied benefits because claimant failed to report for a reemployment services appointment. The parties were properly notified of the hearing. A telephone hearing was held on May 13, 2019. The hearing was held as a consolidated hearing with Appeals 19A-UI-03376-JC-T, 19A-UI-03377-JC-T, 19A-UI-03378-JC-T, 19A-UI-03379-JC-T, and 19A-UI-03380-JC-T and 19A-UI-03381-JC-T. Elizabeth Waigand participated on behalf of Iowa Workforce Development (“IWD”). The claimant participated personally and through a French interpreter, (#10686) with CTS Language Link.

The administrative law judge took official notice of the claimant’s unemployment insurance benefits records.

ISSUES:

Is the claimant available for work effective April 14, 2019?
Did the claimant fail to report as directed by a department representative to participate in a reemployment services appointment or offer justifiable cause for their failure to do so?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The claimant filed a claim for unemployment insurance benefits with an effective date of March 3, 2019. On March 26, 2019, claimant was sent a notice to participate in a reemployment services appointment on April 16, 2019 at 9:00 a.m. The appointment was scheduled at the IowaWorks office in Waterloo, Iowa. Claimant had not previously participated

in this appointment during this claim year. Claimant did not receive the notice to report for the appointment and therefore missed the appointment.

Claimant was able to and available for work until April 19, 2019 when he accepted full-time employment with Masterson Personnel Inc. Claimant has discontinued reporting for benefits since accepting full-time employment. Claimant did not make a weekly continued claim for benefits for the week ending April 20, 2019, which coincided with the disqualification imposed after he failed to attend his reemployment services appointment.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant did provide justifiable cause for the failure to report as directed to participate in a reemployment services appointment.

Each week a claimant files a claim for benefits he must be able to and available for work. Iowa Code § 96.4(3). To maintain continued eligibility, a claimant shall report as directed by an authorized representative. 871 IAC 24.2(1)e. A claimant who fails to report as directed by notice mailed to the claimant is deemed unavailable for work. 871 IAC 24.23(11).

If the department identifies a claimant who is likely to exhaust benefits, in order to be eligible for weekly benefits a claimant must report as directed to participate in reemployment services. Iowa Code § 96.4(7). Unemployment insurance rules require a claimant to participate in reemployment services when referred by the department unless the claimant establishes justifiable cause for failure to participate or the claimant has previously completed such training or services. Iowa Admin. Code r. 871-24.6(6). Failure by the claimant to participate without justifiable cause shall disqualify the claimant from the receipt of benefits until the claimant participates in the reemployment services. *Id.*

Justifiable cause for failure to participate includes an important and significant reason which a reasonable person would consider adequate justification in view of the paramount importance of reemployment to the claimant. Justifiable cause includes when the claimant is scheduled for an employment interview, is verified return to work, or both prior to the scheduled appointment or service. *Id.* The claimant shall contact the agency prior to the scheduled appointment or service to advise the department of the justifiable cause. *Id.* Failure to report for the appointment, failure to contact the agency prior to the scheduled appointment or service to advise the department of the justifiable cause for missing the appointment, or failure to have justifiable cause for failing to report for the appointment means the claimant has failed to meet the availability requirements of the law. *Id.*

The claimant must first be notified that an obligation to report for an appointment exists. As such, non-receipt of the notice is justifiable cause for failure to report as directed. The claimant is eligible to receive unemployment insurance benefits effective April 14, 2019, because the claimant did have justifiable cause for failing to report for the reemployment services orientation due to non-receipt of notice.

Benefits are allowed effective April 14, 2019, provided claimant is otherwise eligible. However, because the claimant has not made any claims after April 14, 2019, the claimant will not receive benefits based upon this decision.

DECISION:

The April 22, 2019, (reference 11) unemployment insurance decision is modified with no change in effect. The claimant has provided justifiable cause for having failed to report for a reemployment services appointment and was unable to notify IWD of the justifiable cause reason for failing to report due to lack of notice. Benefits are allowed effective April 14, 2019, provided claimant is otherwise eligible. Because claimant has not made any claims after April 14, 2019, the claimant will not receive benefits based upon this decision.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn